



SENATE BILL 199: Child Sex Abuse/Strengthen Laws.

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	March 20, 2019
Introduced by:	Sens. Britt, Harrington, Chaudhuri	Prepared by:	Jennifer H. Bedford
Analysis of:	PCS to First Edition S199-CSTT-11		Staff Attorney

OVERVIEW: *Senate Bill 199 would mandate reporting crimes against children to law enforcement; amend the current statute regarding certain sex offenders' access to the Internet; authorize an investigative grand jury to convene for crimes of abuse on a child; and model the subpoena procedures for an investigative grand jury after federal law.*

CURRENT LAW AND BILL ANALYSIS:

Part I of Senate Bill 199 would name the act "The Sexual Assault Fast Reporting and Enforcement (Safe Child) Act of 2019".

Part II of Senate Bill 199 would:

- Require the reporting of a felony or a crime of abuse committed on a juvenile to local law enforcement.
- Create a Class 1 misdemeanor for failure to report or preventing someone else from reporting a felony or a crime of abuse committed on a juvenile to law enforcement.

G. S. 7B-301 requires the reporting of abuse, neglect, or death due to maltreatment to social services. The penalty is a Class 1 misdemeanor.

Part III of Senate Bill 199 would extend the statute of limitations to ten years after the offense date for certain misdemeanor offenses where the victim was a minor.

G. S. 15-1 provides a two-year window of time to charge most misdemeanors. There is no statutory time bar to charge a felony or a "malicious misdemeanor".

Part IV of Senate Bill 199 would amend existing prohibitions for sex offenders to use some social networking website by:

- Detailing the prohibited purposes for accessing a web page.
- Creating and defining the term "high-risk sex offender".
- Narrowing the sex offenders who are restricted from certain online activity to individuals who have been convicted of sexual offenses where the victim was under 18 years of age.

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Legislative Analysis
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- Excluding accessing news, professional networking, and governmental web sites from the prohibition.
- Increasing the criminal penalty for prohibited access, from a Class I to a Class G felony.

G. S. 14-202.5 prohibits any registered sex offender from accessing a web site that permits use by minor children but the statute has been struck down by the U. S. Supreme Court. The ban no longer applies as a standalone crime.

In *Packingham v. North Carolina* (2017), the U. S. Supreme Court found G. S. 14-202.5 unconstitutional. Although protecting children from sex crimes is a legitimate governmental interest, the Court concluded that G. S. 14-202.5 was invalid under the First Amendment because the restriction prohibited access to too much legitimate speech.

Part IV of Senate Bill 199 would also require a "high-risk sex offender" to provide the Internet protocol (IP) addresses within the offender's control.

Part V of Senate Bill 199 would authorize an investigative grand jury to be convened for crimes of abuse.

G. S. 15A-622 and **G. S. 15A-623** authorize an investigative grand jury. This is the State counterpart to the federal grand jury. The investigative grand jury may be convened if a three-judge panel finds that there is probable cause to believe that specific controlled substance or human trafficking violations have occurred.

Part VI of Senate Bill 199 would provide a process for a District Attorney to get records while maintaining the integrity of an investigative grand jury.

EFFECTIVE DATE: This bill would generally become effective December 1, 2019. Please see the bill for more specific detail.